

the district or zone of that District Commander or Captain of the Port, if the owner or operator of such vessel proves to the satisfaction of the District Commander or Captain of the Port, that the vessel is not unsafe or does not pose a threat to the marine environment, and that such entry is necessary for the safety of the vessel or the persons on board.

(d) A vessel which has been prohibited from operating in the navigable waters of the United States, or from transferring cargo or residue in a port or place under the jurisdiction of the United States under the provisions of paragraph (a) or (b)(1), (2) or (3) of this section, may be allowed provisional entry if the owner or operator proves, to the satisfaction of the District Commander or Captain of the Port that has jurisdiction, that the vessel is no longer unsafe or a threat to the environment, and that the condition which gave rise to the prohibition no longer exists.

[CGD 79-026, 48 FR 35404, Aug. 4, 1983, as amended by CGD 96-026, 61 FR 33668, June 28, 1996; USCG-1998-3799, 63 FR 35531, June 30, 1998]

§ 160.115 Withholding of clearance.

Each District Commander or Captain of the Port may request the Secretary of the Treasury, or the authorized representative thereof, to withhold or revoke the clearance required by 46 U.S.C. App. 91 of any vessel, the owner or operator of which is subject to any penalties under 33 U.S.C. 1232.

[CGD 79-026, 48 FR 35404, Aug. 4, 1983; 48 FR 39059, Aug. 29, 1983, as amended by USCG-1998-3799, 63 FR 35531, June 30, 1998]

Subpart C—Notifications of Arrivals, Departures, Hazardous Conditions, and Certain Dangerous Cargoes

§ 160.201 Applicability and exceptions to applicability.

(a) This subpart prescribes notification requirements for U.S. and foreign vessels bound for or departing from ports or places in the United States.

(b) This part does not apply to recreational vessels under 46 U.S.C. 4301 *et*

seq. and, except § 160.215, does not apply to:

(1) Passenger and supply vessels when they are employed in the exploration for or in the removal of oil, gas, or mineral resources on the continental shelf, and

(2) Oil Spill Recovery Vessels (OSRVs) when engaged in actual spill response operations or during spill response exercises.

(c) Section 160.207 does not apply to the following:

(1) Each vessel of 300 gross tons or less, except a foreign vessel of 300 gross tons or less entering any port or place in the Seventh Coast Guard District as described by 3.35-1(b) of this chapter.

(2) Each vessel operating exclusively within a Captain of the Port zone.

(3) Each vessel operating upon a route that is described in a schedule that is submitted to the Captain of the Port for each port or place of destination listed in the schedule at least 24 hours in advance of the first date and time of arrival listed on the schedule and contains:

- (i) Name of the vessel;
- (ii) Country of registry of the vessel;
- (iii) Call sign of the vessel;
- (iv) International Maritime Organization (IMO) international number or, if the vessel does not have an assigned IMO international number, the official number of the vessel;
- (v) Name of the registered owner of the vessel;
- (vi) Name of the operator of the vessel;
- (vii) Name of the classification society of the vessel;
- (viii) Each port or place of destination;
- (ix) Estimated dates and times of arrivals at and departures from these ports or places; and
- (x) Name and telephone number of a 24-hour point of contact.

(4) Each vessel arriving at a port or place under force majeure.

(5) Each vessel entering a port of call in the United States in compliance with the Automated Mutual Assistance Vessel Rescue System (AMVER).

(6) Each barge.

(7) Each public vessel.

(8) United States or Canadian flag vessels, except tank vessels or vessels

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carrying certain dangerous cargo, which operate solely on the Great Lakes.

(d) Sections 160.207, 160.211, and 160.213 apply to each vessel upon the waters of the Mississippi River between its mouth and mile 235, Lower Mississippi River, above Head of Passes. Sections 160.207, 160.211, and 160.213 do not apply to each vessel upon the waters of the Mississippi River between its sources and mile 235, above Head of Passes, and all the tributaries emptying thereinto and their tributaries, and that part of the Atchafalaya River above its junction with the Plaquemine-Morgan City alternate waterway, and the Red River of the North.

[CGD 79–026, 48 FR 35404, Aug. 4, 1983, as amended by CGD 86–055, 54 FR 14078, Apr. 7, 1989; CGD 96–026, 61 FR 33669, June 28, 1996; CGD 94–089, 61 FR 50234, Sept. 25, 1996; USCG–2000–7223, 65 FR 40058, June 29, 2000]

§ 160.203 Definitions.

As used in this subpart:

Agent means any person, partnership, firm, company or corporation engaged by the owner or charterer of a vessel to act in their behalf in matters concerning the vessel.

Carried in bulk means a commodity that is loaded or carried on board a vessel without containers or labels and received and handled without mark or count.

Certain dangerous cargo includes any of the following:

(a) Division 1.1 or 1.2 (explosive) materials, as defined in 49 CFR 173.50.

(b) Oxidizing materials or blasting agents for which a permit is required under 49 CFR 176.415.

(c) Highway route controlled quantity radioactive material, as defined in 49 CFR 173.403(1), or Fissile Class III shipments of fissile radioactive material, as defined in 49 CFR 173.455(a)(3).

(d) Each cargo under Table 1 of 46 CFR Part 153 when carried in bulk.

(e) Any of the following when carried in bulk:

Acetaldehyde
Ammonia, anhydrous
Butadiene
Butane
Butene
Butylene Oxide

Chlorine
Ethane
Ethylene
Ethylene Oxide
Methane
Methyl Acetylene, Propadiene Mixture, Stabilized
Methyl Bromide
Methyl Chloride
Phosphorous, elemental
Propane
Propylene
Sulfur Dioxide
Vinyl Chloride

Great Lakes means Lakes Superior, Michigan, Huron, Erie, and Ontario, their connecting and tributary waters, the Saint Lawrence River as far as Saint Regis, and adjacent port areas.

Gross tons means the tonnage determined by the tonnage authorities of a vessel's flag state in accordance with the national tonnage rules in force before the entry into force of the International Convention on Tonnage Measurement of Ships, 1969 ("Convention"). For a vessel measured only under Annex I of the Convention, gross tons means that tonnage. For a vessel measured under both systems, the higher gross tonnage is the tonnage used for the purposes of the 300-gross-ton threshold.

Hazardous condition means any condition that may adversely affect (1) the safety of any vessel, bridge, structure, or shore area or (2) the environmental quality of any port, harbor, or navigable waterway of the United States. It may—but need not—involve collision, allision, fire, explosion, grounding, leaking, damage, injury or illness of a person aboard, or manning-shortage.

Operator means any person including, but not limited to, an owner, a demise- (bareboat-) charterer, or another contractor who conducts, or is responsible for, the operation of a vessel.

Port or place of departure means any port or place in which a vessel is anchored or moored.

Port or place of destination means any port or place to which a vessel is bound to anchor or moor.

Public vessel means a vessel that is owned or demise- (bareboat-) chartered by the government of the United States, by a State or local government, or by the government of a foreign